

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CLARK A. MCNEELEY,

Plaintiff,

and

EXPERIAN INFORMATION SOLUTIONS,
INC., and AMERICAN EXPRESS
COMPANY

Defendants.

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CASE NO. 4:08CV81

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 10, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment (Dkt. 13) should be DENIED and Defendant's Motion for Leave to File Answer Out of Time (Dkt. 15) should be GRANTED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Plaintiff's Motion for Default Judgment (Dkt. 13) is DENIED, and Defendant's Motion for Leave to File Answer Out of Time (Dkt. 15) is GRANTED. The answer

filed on August 14, 2008 shall be deemed as properly before this Court.

IT IS SO ORDERED.

SIGNED this 29th day of September, 2008.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE